

REMARKS

Claims 1 and 45-70 are pending in the Application. Claims 69 and 70 have been added. Claims 69 and 70 find support in the claims and the original disclosure. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

The Rejections

Claims 1, 51-52, 61-63, and 67 were rejected under 35 U.S.C. § 102(b) as being anticipated by Oda (JP 11015972A).

Claims 45-50, 56-60, 64-66, and 68 were rejected under 35 U.S.C. § 103(a) as obvious over Oda in view of Coutts (US 5,563,393).

Claims 53-55 were rejected under 35 U.S.C. § 103(a) as obvious over Oda in view of Heath (US 5,451,757).

The Applicants respectfully traverse the rejections. The references, taken alone or in combination, do not teach or suggest the recited features and relationships.

Claim 1

Applicants respectfully disagree with the Office's interpretation and application of the Oda reference. Oda (at translated page 1, paragraph 002) in the "Description of the Prior Art" section indicates that "a personal identification number is inputted into an identification unit when an operator operates an input unit." Apparently, a PIN is needed when an operator desires

to operate a “lock discharge of a safe”, “access in the Internet”, or an “ATM.” Customer operation of an ATM is well known.

However, where does Oda teach a security system with the ability to restrict access to the *interior* of an automated banking machine (e.g., ATM) *component*? Operating an ATM in Oda is a far cry from accessing the interior of a component of an ATM. Where does Oda discuss an ATM component? Where does Oda discuss accessing the interior of an ATM component? Where does Oda discuss restricting access to the interior of an ATM component?

Oda apparently has an external storage (29) of iris patterns. However, Oda does not teach the recited database. Where does Oda teach that a database *includes data* representative of images of individuals authorized access to the *interior* of an automated banking machine component? Iris pattern data is a far cry from data that represents images of individuals having authorized access to the interior of an ATM component.

Furthermore, where does Oda specifically teach software? Where does Oda discuss image recognition software?

The burden of establishing a *prima facie* case of anticipation resides with the Office, not the Applicants. *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). The Office has not established that Oda anticipates claim 1.

The prior art evidence of record must teach the recited features and relationships to sustain the rejection. Oda does not explicitly or inherently teach each and every feature and relationship of the claimed invention arranged in the manner recited in the claims, as is required to sustain the rejection. Oda does not anticipate claim 1. Thus, it is respectfully submitted that the 35 U.S.C. § 102(b) rejection of claim 1 should be withdrawn.

Claim 61

Applicants' remarks in support of the patentability of claim 1 are incorporated by reference. For reasons previously discussed, Oda also does not teach the recited method. Where does Oda teach recited step (c)? That is, where does Oda teach granting a level of access to the *interior* of an automated banking machine component, responsive to a positive determination in step (b)? Oda does not teach granting access to the interior of an ATM component. Oda does not anticipate claim 61.

New claims 69 and 70

For reasons previously discussed, the relied upon references, taken alone or in combination, also do not teach or suggest the recited apparatus of claim 69 or the recited method of claim 70.

The Dependent Claims

Each of the dependent claims depends directly or indirectly from an independent claim. The Applicants have shown the independent claims to be allowable. "If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious" (MPEP 2143.03). *In re Fine*, 5 USPQ2d 1596 (Fed. Cir. 1988). Thus, it is asserted that the dependent claims are allowable on the same basis.

Furthermore, each dependent claim additionally recites specific features and relationships that patentably distinguish the claimed invention over the applied art. The Action's allegations are not based on any evidence in the record. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001).

Coutts cannot alleviate the deficiencies of Oda as it does not teach or suggest the recited features which are not found in Oda. The Action admits that Oda does not “disclose the details of a component of an automated teller machine.” Where does Coutts (or Oda) teach or suggest accessing the *interior* of a currency cassette (e.g., claim 56)? The Action has not presented any evidence of a database including data representative of images of individuals authorized to access the interior of a currency cassette. The Office has not established a *prima facie* case of obviousness. Even if it were somehow possible (which it isn't) for the references to be combined as alleged, the combination still would not have resulted in the claimed invention.

Heath cannot alleviate the deficiencies of Oda as it does not teach or suggest the recited features which are not found in Oda. For example, claims 53/54 are directed to storing in a file a captured facial image along with a date and time of an attempted/granted access to the interior of a component. The Action admits that Oda “is silent about storing the data and time of attempted and granted access to the interior of the component.” Where does Heath (or Oda) teach or suggest a file having a facial image *along with* attempted/granted access date and time? A *prima facie* case of obviousness has not been established. Even if it were somehow possible (which it isn't) for the references to be combined as alleged, the combination still would not have resulted in the claimed invention.

None of the references, taken alone or in combination, discloses or suggests the features and relationships that are specifically recited in the dependent claims. Thus, it is respectfully submitted that the dependent claims are further allowable due to the recitation of such additional features and relationships.

Fee For Additional Claim


Please charge the fee associated with the submission of one additional independent claim (\$88) and two additional total claims (\$36) and any other fee due to Deposit Account 09-0428.

Conclusion

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied prior art. Furthermore, the applied prior art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Office's convenience.

Respectfully submitted,



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